

The District Attorney

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constituted adviser), or by frankly asking the trial judge to dismiss the indictment, if in fact it happens to have been found.

If, on the other hand, the ordinary citizen applies directly to the District Attorney's office, he is at the mercy of the assistant in charge, or to whom he may be referred. If the assistant, or deputy, doesn't like the man's looks he can throw out the case, and Mr. Ordinary Citizen has no redress, except to try through some occult "influence" to get the decision overruled.

Toward the end of the last century, when the New York District Attorney's office at times somewhat resembled a home for aged, infirm or jobless men, the treatment of any individual complainant depended largely on from whom he came. The introduction was in substance inevitably the same:

"This is Mr. Assmanshausen. He's a friend of Mike Grady's. Paddy Dolan sent him down here. Look out for him. Mr. Assmanshausen, shake hands with the District Attorney!"

It is obvious that if the deputy did not agree that Mr. Assmanshausen "had a case" he would for all time alienate both the affections and political support of (1) Mr. Grady, (2) Mr. Dolan, (3) the gentleman making the actual verbal introduction, and (4) Mr. Assmanshausen himself. Rather than take a chance of so doing he would frequently decide, irrespective of the weight of the evidence, that there was "a case," and so inform the indictment clerk, who would "shoot it in" to the Grand Jury, with the result that an indictment would follow. The defendant would thereupon be arrested upon a bench warrant, be cast into the Tombs, languish there until tried or, if fortunate, bailed out. Having started the ball rolling as a supposed favor to Mr. Grady, to Mr. Dolan, or to Mr. Assmanshausen, it now became necessary, in order to retain their regard, for the assistant to keep it rolling. It would not do to let any one of them suppose that the evidence was insufficient, since that would argue legal incompetency in the first instance, or that proper enthusiasm was lacking later. On the contrary, Mr. Assmanshausen had to be slapped on the back and filled with encouragement lest he should complain to somebody higher up. The deputy was committed to the case, yet the case was no good! The first false step, taken out

of a mistaken geniality, now came of necessity to involve a dozen others, at a large cost to the county and to Mr. Assmanshausen, of both time and money. Cases would come up on the trial calendar as many as twenty times, with the complainant and his witnesses sitting expect-

died or got tired out, or his witnesses moved to New Jersey—and the indictment was dismissed on the application of the very man who had asked the Grand Jury to find it. Good old days, those!

Hanging on the wall in front of me as I write is an indictment that came up for trial twenty-eight separate times, the last one eight years after the offense. I keep it as a curio—People vs. Oscar Daly, for arson! I am told that in certain regimes



Arthur Train.

tantly in court, when the trial assistant knew he wouldn't try the case, couldn't try it, and had no thought of trying it. And all just to please Mr. Grady. Mr. Dolan and the unfortunate Mr. Assmanshausen himself! Of course, in time—after a year or so—the complainant

they used to bring the indictments into court in bushel baskets and dismiss them wholesale. Nothing else to do with them! They had served to please somebody—perhaps an apocryphal Mr. Grady or an imaginary Mr. Dolan! But how about poor old Assmanshausen?

Good old days! They all wore tall hats and frock coats, and smoked big black cigars, and Everybody was Somebody's half brother or second cousin once removed, or had married Somebody's step-sister; and all the regular ones gave up 10 per cent. of their salaries to the "organization." Inertia—the inertia of conscious incompetence and the fear of "getting in wrong"—hung over the office like a pall, numbing all initiative; and there was a great deal of talk about graft. In fact—although it probably was intended as a joke—the first indictment handed to me for "investigation," carried with it the whispered suggestion that there was a thousand dollars coming to anybody who would "recommend it for dismissal." I investigated, found it was an "Assmanshausen," got it dismissed—but I never heard any more of that thousand dollars. In fact, I never saw real money but once, and that was when a complainant, who wasn't related to anybody in particular and yet whose case I had handled to his satisfaction, followed me to my office, fumbled awkwardly in his pocket, and, finally producing a dingy quarter, told me to "go and buy myself half a dozen good cigars." I only wish I had taken it! I might have worn it on my watch chain as Whistler did Ruskin's sixpence.

Once again did I come in contact with corruption. Another complainant murmured something to the effect that I would find a "little envelope on my desk." But I was prideful in those days, and told him to go where he properly belonged, and has probably long since gone.

Twenty-five years ago the opportunities for a young man of moderate intelligence who was not suffering from dipsomania, senile dementia, arteriosclerosis—from insomnia on the one hand, or sleeping sickness upon the other—were enormous. The merest tyro of a deputy at the foot of the payroll could, by relieving some infirm or incompetent trial assistant of all responsibility in an important case, secure the chance to try it himself, while his elder slumbered at a nearby table or made up his "expense account" in his private office up stairs. The getting up of these "expense accounts" occupied a substantial amount of time. Anybody who was anybody had a "county detective" or "process server" specially assigned to be his body servant, who carried his bags, books and papers, ran his errands, bought his theater tickets, stood guard outside his door and bore messages to his fellows—for the telephone in those days was a luxury enjoyed only by the "big fellows."

But there was a jovial, Hibernian warmth of heart among these favorites of political good fortune and they wore their tall hats and burnsides with a real air.

When a Woman Hunts a Room

By SADIE A. FRANK.

KIPPLING once wrote something about "single men in barracks." My wall is about single dames in lodging rooms.

Fired with hope at the prospect of fifty thousand new apartment houses going up in New York city, which everybody (except the landlords) said meant that rents were going down, I hied forth to search for my "Holy Grail."

My needs were modest. Too modest, I found later. I wanted one clean room. Of course, hot water, steam heat, electricity, an open fireplace, were to be found for the seeking. But the essential was cleanliness.

I read assiduously the column "Furnished Rooms for Rent," perused cautiously "Unfurnished Rooms for Rent." As a last resort an unfurnished room could be quickly converted with an army cot and a mirror.

After alphabetizing my desirable finds I started in pursuit. The first spoke alluringly of a living room and bath. It was indeed a parlor, bedroom and bath. Enter the door at the left and draw two diameters at right angles to the sides, and where the diameters intersect—yes, you have guessed it—there was the bathtub. In all its draperies of shower bath curtains it held the center of the arena. In that room must the spider say to the fly, "Won't you come into my bathroom?" Then the spider would reply, "I'll be d-drowned if I do!"

Next, in a select district, I was ushered

up two flights. I must have bit the dust as I ascended. For at every step the carpets sent up clouds of dust—in welcome. In the room I found a tiny cot, backed up against a paper partition. I could hear the water dripping in the next room. If I put my mirror on the wall there might be room for a bookrack with two books. But suppose I became rash and wanted three books to live with me. It simply isn't done in the best of lodging rooms. My guide volunteered the information that she was very particular about her roomers, and I looked as if I wouldn't have wild parties there.

"No room! No room!" the March hare cried. I thought I. "Therefore," she continued, "you may have the room for \$55 a month."

Then, as in the movies, there was a gradual fadeout of the present surroundings, and I saw a vision of fifty thousand apartment houses going up and rents going down, working just like an elevator system. The tailor, you remember, could kill six at one blow. I was fagged out by these two, so I stopped for luncheon.

About one o'clock I found myself in the third "desirable" place. A head, a female head, marvelously coiffured with eyes, bobbed out of the basement window. It looked me up and down—and evidently out, for I saw a signal to the man who answered the bell, and the aforesaid gentleman hastily asserted before I could speak a word, "Sorry. The room is rented. The morning papers came out several hours ago."

I scurried to the next place. The news-

paper out hours ago and roomers taxiing to grab my room from me! It behooved me to hurry or I would be shelterless. Perhaps even then my clean room, my room with a fireplace, my room with all conveniences, was being snapped up by some one who had gone without his luncheon.

The next ad had exactly what I wanted, at a price that was reasonable. However, the black liveried butler who butted to my ring firmly but insistently stated, "Sorry, madam. The manager made a mistake in advertising that room. It rents for \$55."

I went home then. There was nothing left to do. I wondered if, day after day, I would be tramping the streets of New York. And where would I go when my lease was expired? Mills Hotel doesn't take women.

I slept on the room problem. I slept in room after room—delightful rooms with cretonne hangings; crowded rooms with heavy overstuffed furniture; cosy rooms with the lights turned low and the embers in the fireplace glowing.

I woke. I went to a real estate agent. There all the locations, specifications, prices would be listed. They were! Outrageous prices for what they had to offer. One sounded tempting. It read: "Open fireplace; antique furniture; private bath; garden; clean rooms. Convenient to L and subway. All conveniences. If you are fastidious and discriminating, these rooms are for you." The price listed was reasonable enough for the advantages offered. I taxied there. Had there been an

airplane, I would have airplaned there. The ad was accurate enough. I verified every item to the letter. But the owner had failed to state that the bedroom was four solid walls. There was not a single crack for ventilation. True, the bathroom opened into it, and here was one tiny space in the wall. The workmen must have dropped a stone accidentally and the owner must have found it cheaper to put in a windowpane than to have a stone mason repair the damage.

Nothing daunted, I went to another real estate agent. Here I faltered out my needs, added \$10 a month to my original price and incidentally related some of the sights I had seen in my peregrinations, adding that I feared I was seeking the impossible.

The agent laughed. "Oh, no, we agents get all sorts of requests. Just an hour ago, an engineer with a German police dog wanted a room where the dog could have the run of the garden. Any cubbyhole would suit him, but the dog had to be well roomed. I think that man was leading a dog's life."

"Did he get the room?" I asked.

"Well, no. I had only one suggestion to offer. The janitor in one of my apartments was going to the hospital for an operation. I suggested he give up his position and take the janitor's job."

"But I haven't a dog. I have a canary."

I went home and listened to my canary warble. He gave me an idea. I gave up all my original requirements and advertised for a room large enough for a canary and my rejected manuscripts.